



The Bronx
Defenders

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*****FOR IMMEDIATE RELEASE*****

Joint Defender Statement Calling for Immediate Release of Vulnerable Incarcerated New Yorkers in Response to Coronavirus

“Thousands of people are currently detained in New York jails and prisons in conditions that have long been unsanitary and unsafe. These facilities are particularly vulnerable in the event of a public health crisis like the ongoing spread of Coronavirus. It is clear and deeply troubling that the New York State Department of Corrections and Community Supervision (DOCCS) and the New York City Department of Correction (DOC) are inadequately prepared for this crisis.

Because DOCCS and DOC officials cannot guarantee the safety and health of the people we represent, we call on Governor Andrew Cuomo and Mayor Bill de Blasio to immediately release individuals who are at the highest risk of serious health complications if they contract the Coronavirus. This includes older adults, pregnant women, people with respiratory conditions, people who are immunocompromised, and people with other chronic health conditions that make them particularly vulnerable. They should be released with a discharge plan, along with adequate supply of medications, for post-release treatment and services in community-based settings.

Additionally, we urge Chief Judge Janet DiFiore to instruct judges across the state to release anyone held in pretrial detention or held solely for administrative reasons, including violations of conditional discharge, violation of parole, and immigration detainees. Judges should be instructed not to put anyone in pretrial detention for missed court dates who is out on their own recognizance or who is on supervised release. The vast majority of cases where the person is not incarcerated should be adjourned to a later date and/or accused people should not be made to appear in court for their cases.

Further isolating incarcerated people is not a solution, and will not protect anyone from harm. Releasing people from New York's prisons and jails and limiting court appearances for accused people who are not detained will reduce the chance of a devastating outbreak, protecting the health of those who are at liberty as well as those who are incarcerated, visitors, and staff. Fewer people in prisons and jails will reduce the need for heightened medical care, particularly when there may be reduced staff as a result of an outbreak. Access to medical treatment has long been and remains a fundamental concern for incarcerated people. The potential for an epidemic makes a dire situation even worse.

A coronavirus outbreak in our overcrowded, poorly maintained jails and prison facilities would be devastating, swift, and deadly. It is incumbent on our leaders to do everything they can to protect all of their constituents, including incarcerated people.

This proposal has recent precedent among other countries handling this exact same crisis. This week, Iran released 70,000 people in prison from custody in an effort to curtail the impacts of the outbreak there.

Taking sensible steps to release vulnerable people serves the public interest in a way that continued mass detention does not. We call on state and local leaders to work together to identify people for immediate release. Additionally, we urge ICE to utilize its inherent discretion to release detained immigrants to their families and communities while they complete their cases.”

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